

AMENDMENT UNDER 37 C.F.R. § 1.111
U. S. Application No. 09/476,372

REMARKS

Claims 1-8 are all the claims pending in the application.

Claims 1 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by newly-cited Buchholz et al. (US 5,555,266). Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Buchholz et al. in view of previously-cited Hulyalkar et al. (US 5,787,080). Claims 3 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Buchholz et al. in view of Hulyalkar et al. and further in view of previously-cited Johnston (US 6,064,649). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Buchholz et al. in view of Hulyalkar et al. and further in view of previously-cited Patel (US 5,953,706). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Buchholz et al. in view of Hulyalkar et al. and cited Johnston and further in view of Patel. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Buchholz et al. in view of previously-cited Brederveld et al. (US 5,898,679).

Buchholz et al. relates to a method for improving throughput by reducing transmission delays in a packet transmission system, wherein a plurality of remote units request service from a communications controller by transmitting access requests to said communications controller. Each remote unit sequentially stores the transmitted access requests in memory and awaits a resource grant from the communications controller. Upon receipt of a granted resource, a remote unit will apply the granted resource to the oldest request stored in memory in order to transmit data to the communications controller.

Claims 2 and 8 are amended by rewriting them in independent form and canceling claims 1 and 7.

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For claim 2, Applicant submits that Buchholz and Hulyalkar fail to teach or suggest all of the limitations of the claim. The Examiner admits that Buchholz does not disclose the features of claim 2, which recites that in the step (c), said error occurrence message is sent to the corresponding wireless terminal while said wireless resource for retransmission is allocated to the corresponding wireless terminal during a down-link period within one frame comprising the down-link period and an up-link period. The Examiner asserts that Hulyalkar discloses the limitations of claim 2 in FIG. 8 and col. 11, lines 45-52, but Applicant disagrees.

The cited portion of the reference states the following:

Like the distributed architecture, the reservation-based MAC protocol for the centralized architecture is based on a CDS superframe which consists of a control frame (i.e., control channel) and a data frame (i.e., data channel). In the centralized architecture, the data frame is further divided into an "up-link" data frame and an "down-link" data frame. See FIG. 8.

As shown in the quoted excerpt, Hulyalkar's disclosure is far too general to correspond to the specific features claimed in claim 2. In other words, Hulyalkar discloses a data frame that has an up-link data frame and a down-link data frame. By contrast, claim 2 recites that the error occurrence message is sent to the corresponding wireless terminal while the wireless resource for retransmission is allocated to the corresponding wireless terminal during a down-link period within one frame comprising the down-link period and an up-link period. Thus, claim 2 is allowable over the prior art.

Regarding claims 3 and 5, Applicant submits that the prior art fails to teach or suggest all of the limitations of the claims. The Examiner asserts that Hulyalkar discloses a wireless resource allocation method wherein the downlink period comprises a broadcast period and a download reservation period, but Applicant disagrees. The first excerpt cited by the Examiner

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(col. 10, lines 55-65) discloses that "a reservation must be made," but it does not indicate that the downlink period comprises a download reservation period. The second excerpt cited by the Examiner (col. 11, lines 35-45) discloses that "Control and data messages are first transmitted from a MT to a BS (called the up-link) and then echoed back to another MT from the BS (called the down-link) in a broadcast fashion." However, the excerpt does not disclose that the downlink period comprises a broadcast period. Therefore, claim 3 and claim 5, which depends from claim 3, are allowable over the prior art.

With further regard to claim 5, Applicant submits that Hulyalkar fails to disclose that during the down-link period, the access point transmits a broadcast message and various control information. The Examiner refers to col. 11, lines 45-52 as allegedly disclosing these features of the claim, but Applicant disagrees. Rather, as indicated above, the cited portion of the reference makes the general disclosure of a data frame that includes an "up-link" data frame and a "down-link" data frame. Such a disclosure fails to correspond to the specifically recited features of the claim. Thus, claim 5 is allowable for this additional reason.

Claims 4 and 6 are allowable due to their dependence from claims 2 and 5, respectively, since the tertiary references fail to make up for the deficiencies of the primary and secondary references.

For claim 8, Applicant submits that the prior art fails to teach or suggest all the limitations of the claim. Specifically, the prior art does not disclose allocating the wireless resource when the error occurs in the received data without informing the corresponding wireless terminal of error occurrence. The Examiner admits that Buchholz does not disclose this feature of claim 8, but points to col. 6, lines 61-67 of Brederveld as allegedly corresponding this feature

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of the claim. The portion of the reference cited by the Examiner discloses that after receiving a message, the destination end-station verifies the address information in the header set. If the recipient address in the header is not the same as the destination end-station's address, the destination end-station will ignore the message. By contrast, claim 8 recites allocating the wireless resource when the error occurs in the received data without informing the corresponding wireless terminal of error occurrence. The portion of the reference cited by the Examiner is silent with respect to whether the corresponding wireless terminal is informed of error occurrence. Hence, claim 8 is allowable over the prior art for at least this reason.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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